

# EXHIBIT 1

**Klenov, Michael**

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**From:** Klenov, Michael  
**Sent:** Friday, April 24, 2015 2:04 PM  
**To:** 'Crowell, Nicholas P.'  
**Cc:** Prokupets, Maya; Berezney, Steve  
**Subject:** RE: Whittemore [KT-IWKT01.FID131696]

Nick,

We've considered your requests that we agree to (1) limit the duration of Mr. Whittemore's deposition to less than seven hours and (2) limit or disclose the topics that we intend to cover at the deposition ahead of time. We can't agree to either request.

As I noted on our call, the one-day, seven-hour-per-witness limit under the Master Discovery Protocol ("MDP") governing NCUA's coordinated actions already represents a major limitation on the duration and scope of depositions. NCUA's cases against RBS span three jurisdictions, involve dozens of securities, and seek billions in damages. But for the coordination of these cases under the MDP, Mr. Whittemore would potentially face three or more days of questioning. While we'll certainly do our best to be as efficient as possible, covering all of the securities at issue in seven hours will already be a challenge.

We likewise can't agree to limit the scope of our questioning or to reveal the topics we intend to cover ahead of time. First, while the MDP states that the parties "shall endeavor" (i.e., try) not to be repetitive, it does not prohibit the parties from asking questions concerning the same subject matters or securities that were addressed in previous depositions. In order for our deposition questioning to be comprehensible, we may need to re-establish some background facts and lay an appropriate foundation for certain questions and exhibits. We believe that we have the right to develop the testimony that will be shown at our trials in a way that best serves our client's cases, rather than be forced to rely exclusively on the work of other attorneys on behalf of other clients. Second, nothing in the MDP or the Federal Rules requires us to disclose the topics we intend to cover ahead of time. Finally, we don't see how having to respond to certain deposition questions, as opposed to others, imposes any additional burden on your client.

If the date or location we've proposed in our subpoena doesn't work for Mr. Whittemore, then please propose ones that work as soon as possible; we're currently trying to schedule more than 50 depositions to take place in May and June.

Thanks very much.

Michael

Michael Klenov  
**Korein Tillery, LLC**  
505 North 7th Street, Suite 3600  
St. Louis, MO 63101  
Office: 314-241-4844  
Direct: 314-450-4098

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**From:** Crowell, Nicholas P. [mailto:[ncrowell@sidley.com](mailto:ncrowell@sidley.com)]  
**Sent:** Monday, April 20, 2015 11:10 AM  
**To:** Klenov, Michael  
**Cc:** Prokupets, Maya; Berezney, Steve  
**Subject:** RE: Whittemore [KT-IWKT01.FID131696]

Thanks, Michael. Let's talk at 4:30 EDT today. I will send a calendar with a dial in.

**NICHOLAS P. CROWELL**  
**Sidley Austin LLP**  
+1.212.839.5449  
[ncrowell@sidley.com](mailto:ncrowell@sidley.com)

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**From:** Klenov, Michael [mailto:[mklenov@KoreinTillery.com](mailto:mklenov@KoreinTillery.com)]  
**Sent:** Monday, April 20, 2015 12:06 PM  
**To:** Crowell, Nicholas P.  
**Cc:** Prokupets, Maya; Berezney, Steve  
**Subject:** RE: Whittemore [KT-IWKT01.FID131696]

Hi Nick,

I'm pretty flexible today and tomorrow, other than from 2-3 pm Central today. Let me know what time works best for you and Maya.

Thanks,

Michael

Michael Klenov  
**Korein Tillery, LLC**  
505 North 7th Street, Suite 3600  
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**From:** Crowell, Nicholas P. [mailto:[ncrowell@sidley.com](mailto:ncrowell@sidley.com)]  
**Sent:** Monday, April 20, 2015 10:12 AM

**To:** Klenov, Michael  
**Cc:** Prokupets, Maya; Crowell, Nicholas P.  
**Subject:** FW: Whittemore [KT-IWKT01.FID131696]

Michael,

My colleague, Maya Prokupets, and I are assisting Susan Merrill in connection with this matter. Do you have time for a meet and confer call this week with respect to the subpoena? Please let me know when you are available and I will send around a calendar invite. I think we will need a half hour at most.

Best regards,

Nick

**NICHOLAS P. CROWELL**  
**Sidley Austin LLP**  
+1.212.839.5449  
[ncrowell@sidley.com](mailto:ncrowell@sidley.com)

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**From:** Klenov, Michael [<mailto:mklenov@KoreinTillery.com>]  
**Sent:** Wednesday, April 15, 2015 10:30 AM  
**To:** Merrill, Susan  
**Subject:** RE: Whittemore [KT-IWKT01.FID131696]

The subpoena is attached.

Michael Klenov  
**Korein Tillery, LLC**  
505 North 7th Street, Suite 3600  
St. Louis, MO 63101  
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Direct: 314-450-4098

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**From:** Merrill, Susan [<mailto:smerrill@sidley.com>]  
**Sent:** Tuesday, April 14, 2015 10:06 PM  
**To:** Klenov, Michael  
**Subject:** RE: Whittemore [KT-IWKT01.FID131696]

Yes, please serve the subpoena.

**SUSAN MERRILL**  
Partner

**Sidley Austin LLP**  
+1.212.839.8558  
[smerrill@sidley.com](mailto:smerrill@sidley.com)

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**From:** Klenov, Michael [<mailto:mklenov@KoreinTillery.com>]  
**Sent:** Thursday, April 09, 2015 4:31 PM  
**To:** Merrill, Susan  
**Subject:** RE: Whittemore [KT-IWKT01.FID131696]

We were waiting to get a date so that we could use it in the subpoena, rather than picking an arbitrary date and then having to serve an amended subpoena. We're happy to handle it that way though, if you prefer.

Michael Klenov  
**Korein Tillery, LLC**  
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**From:** Merrill, Susan [<mailto:smerrill@sidley.com>]  
**Sent:** Thursday, April 09, 2015 3:28 PM  
**To:** Klenov, Michael  
**Subject:** Whittemore

I have not received the subpoena. Please send it to me.

**SUSAN MERRILL**  
Partner

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